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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY FRATTIN on behalf of himself
and others similarly situated,

Plaintiff,

v.

WEST 44TH STREET RESTAURANT
LLC, d/b/a KELLARI TAVERNA,
STAVROS AKTIPIS, and HARSHAD
SHAH,

Defendants.

Case No. 07 CV 3383 (PAC)

**STIPULATION AND ORDER
OF DISMISSAL WITH
PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Anthony Frattin, Jay Cohen, and Sarah Jean Tickal ("Plaintiffs") and Defendants West 44th Street Restaurant LLC, d/b/a Kellari Taverna, Stavros Aktipis, and Harshad Shah ("Defendants"), by and through their undersigned counsel, that the above-captioned action has been resolved by the Parties. The matter includes claims asserted under the Fair Labor Standards Act, and the resolution includes a payment of monies by Defendants to Plaintiffs which includes back wages, liquidated damages, and attorneys' fees.

The parties accordingly agree that the action be and is hereby dismissed, with prejudice, and with no additional award of attorneys' fees or costs by the Court to any party.

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By:


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Dated: December 17, 2007

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ATTORNEYS FOR DEFENDANTS WEST
44TH STREET RESTAURANT LLC, D/B/A
KELLARI TAVERNA, STAVROS AKTIPIS,
AND HARSHAD SHAH

Dated: 12-19, 2007

SO ORDERED:


Hon. Paul A. Crotty, U.S.D.J.

Dated: December 21, 2007
New York, New York